

REMARKS

Assignee submits that the present amendment is fully responsive to the Office Action dated January 31, 2011 and, thus, the application is in condition for allowance.

By this reply, claims 1, 10, and 19 are amended. Claims 1-3, 5-6, 8-12, 14-15, 17, 19, 21-22, and 24-26 remain pending. Of these, claims 1, 10, and 19 are independent. An expedited review and allowance of the application is respectfully requested.

In the outstanding Office Action, claims 1, 10, and 24-25 were rejected under 35 U.S.C. 103(a) as being unpatentable over Oommen et al. (US Pub. App. No. 2003/0103484) in view of Kerdraon et al. (US Pub. App. No. 2007/0118629) and Agarwal (US Pat. No. 7,010,699). It is asserted the Oommen discloses substantially the same invention as recited in the pending claims except for applying the device identifier to a deny database including a list of devices to deny access to network services and that the location includes a logical location. It is further asserted that Kerdraon and Agarwal discloses these elements, and official notice is taken that firewalls including a black list are well known in the art. Assignee respectfully traverses.

With respect to independent claims 1, 10, and 19, neither Oommen, nor Kerdraon, nor Agarwal, nor any other related art of record can anticipate the present invention as recited in the claims because Oommen, Kerdraon, and Agarwal do not teach or fairly suggest each of the elements recited therein. For example, Oommen, Kerdraon, and Agarwal fail to disclose, among other things, wherein access is denied to network services other than customer services upon the device identifier appearing in the deny database. These elements are recited in independent claims 1 and 10 and are supported, for example, in paragraphs [0054], [0076] and [0077] of the disclosure. The customer

care facility may interact with the DM to determine whether the last used status indicates the device is lost, stolen, or malfunctioning (paragraph [0077]). The customer care facility may interact with the deny database to determine whether service requests originating from the device should be granted or denied (paragraph [0077]). For example, if the device status indicates a lost or stolen device, the network may set permissions that deny access to most or all services, with the possible exception of limited customer care services (paragraph [0054]).

Oommen discloses an apparatus which can exchange configuration indicia associated with a mobile node (Oommen, Paragraph [0017]-[0018]). However, there is nothing in Oommen which teaches or fairly discloses wherein access is denied to network services other than customer services upon the device identifier appearing in the deny database. Therefore, Oommen does not include every element of the present invention, as claimed.

Furthermore, Kerdraon cannot cure the deficiencies of Oommen. Kerdraon teaches co-ordinated telecommunication services provided to users by means of terminals which are connected to different telecommunication networks, (Kerdraon, abstract). However, there is nothing in Kerdraon which teaches or fairly discloses wherein access is denied to network services other than customer services upon the device identifier appearing in the deny database. Therefore, Kerdraon fails to cure the deficiencies of Oommen.

Moreover, the Official Notice cannot cure the deficiencies of Oommen and Kerdraon. Filters and firewalls may include a black list, but the deny database is not a generic black list. Moreover, Assignee has amended the claims to include denying access to network services other than customer services upon the device identifier appearing in

the deny database. Black lists are known to block all communication. The present invention, as claimed, includes the possibility that minimal communication with the service provider can be beneficial to the owner if the device is lost. Thus, the Official Notice fails to cure the deficiencies of Oomen and Kerdraon. Further, Assignee respectfully requests that a reference(s) be provided which allegedly discloses that which is currently addressed in the Official Notice.

Finally, Agarwal cannot cure the deficiencies of Oomen and Kerdraon. Agarwal teaches an apparatus, method and system for providing a default mode for authentication failures in a mobile telecommunication network, (Agarwal, abstract). In doing so, when the authentication procedure has resulted in an authentication failure, the originating MSC informs the HLR/AC, which then determines what default modes should be instituted, and transmits a message to the originating MSC to deny the mobile unit access to the network, (Agarwal, col. 2, lines 48-53). "The originating switching center is also configured to route the call leg to a customer service center" (Agarwal, col. 2, lines 57-59). However, in Agarwal the connection to the customer service center is in response to an authentication failure. There is nothing in Agarwal which teaches or fairly describes a deny database, much less wherein access is denied to network services other than customer services upon the device identifier appearing in the deny database. For at least this reason, the rejection should be withdrawn.

Because neither Oomen, nor Kerdraon, nor Agarwal, alone or in combination, teach all of the elements in the independent claims, dependent claims 24 and 25, which depend therefrom, also are patentably distinct from any prior art of record. For this reason, Assignee respectfully requests withdrawal of the rejection.

In the outstanding Office Action, claims 2, 12 were rejected under 35 U.S.C. 103(a) as being unpatentable over Oommen in view of Kerdraon and further in view of Wen et al. (US PG Pub. No. 2003/0126209). It is asserted that Oommen and Kerdraon disclose substantially the invention as claimed but for extracting an IMEI from the message. It is further asserted that Wen discloses these elements and that it would have been obvious to combine. Assignee respectfully traverses.

With respect to independent claims 1 and 10, neither Oommen, nor Kerdraon, nor Wen, nor any other related art of record, alone or in combination, teach or fairly disclose the present invention as recited in the claims. For example, Wen fails to disclose, among other things, wherein access is denied to network services other than customer services upon the device identifier appearing in the deny database. These elements are recited in independent claims 1 and 10 and are supported, for example, in paragraph [0054], [0076], and [0077] of the disclosure. Claims 2 and 12 each depend from either claim 1 or 10 and necessarily incorporates each element of the independent claim. For the foregoing reasons in favor of patentability, Oomen and Kerdraon do not teach every element of the present invention.

Wen teaches a network client service system and a method for the same are applied to an Internet environment for accomplishing connection between distant-end users according to data of geographic locations corresponding to TCP/IP addresses of servers and the distant-end users (Wen, abstract). In doing so, Wen uses servers corresponding to geographic regions where users are located to provide forms of homepages to the users for facilitating collection of user data, and connection between different distant-end users served by a single server or different serves to be

accomplished over a network, so as to allow the distant-end users to perform data transfer and electronic commerce services with each other through the use of the network client service system and method (Wen, abstract). However, there is nothing in Wen which teaches or fairly discloses wherein access is denied to network services other than customer services upon the device identifier appearing in the deny database. Therefore, Wen fails to cure the defects of Oommen and Kerdraon. For at least this reason, the rejection should be withdrawn.

In the outstanding Office Action, claims 19 and 26 were rejected under 35 U.S.C. 103(a) as being unpatentable over Chen et al. (US PG Pub. No. 2005/0153741) in view of Oommen, Kerdraon, and Agarwal. It is asserted that Chen discloses a system with all of the features of the present invention as recited in the claims, but for extracting a device identifier from the message, including location information, or applying the device identifier to the deny database to deny access to the network services except for customer service. It is further alleged that Oommen, Kerdraon, and Agarwal disclose these deficiencies and the combination of these cited references would have therefore been obvious to one having ordinary skill in the art. Assignee respectfully traverses.

With respect to independent claim 19, neither Chen, nor Oommen, nor Kerdraon, nor any other related art of record, alone or in combination, discloses or fairly suggests the present invention as recited in the pending claim. For example, none of the references teach or suggest, among other things, wherein access is denied to network services other than customer services upon the device identifier appearing in the deny database. These elements are recited in independent claim 19 and are supported, for

example, in paragraphs [0054], [0076], and [0077] of the disclosure. Claim 26 depends from claim 19 and necessarily includes each element from claim 19.

Chen discloses generating updates of firmware/software components in electronic devices (Chen, paragraph [0023]). Chen discloses a server within the communication network associating the information identifying the mobile electronic device with the subscriber-related information from the SIM card (Chen, paragraph [0057]). However, Chen does not teach wherein access is denied to network services other than customer services upon the device identifier appearing in the deny database. At most, Chen teaches detecting that the SIM card in the mobile electronic device has been changed (Chen, paragraph [0057]). As stated above with respect to patentability of claim 1, Oommen, Kerdraon, and Agarwal also do not contain this element. Therefore, Oommen, Kerdraon, and Agarwal cannot cure the deficiencies of Chen and the combination of Chen, Oommen, Kerdraon, and Agarwal cannot render the claim obvious.

Furthermore, there is no motivation to combine any of these references outside of Assignee's own disclosure. The present invention satisfies a need for cost-effective equipment identity management in networks that DO NOT comprise an EIR (paragraph [0010]). Chen teaches the network may detect/determine that a new mobile device is attached from the IMEI DB in the equipment identity register (EIR) (Chen, paragraph [0031]). Even if they were combinable, *arguendo*, the combination would not be able to obviate the present invention for at least the reasons set forth above.

Finally, the Official Notice cannot cure the deficiencies of Chen, Oomen, and Kerdraon. Filters and firewalls may include a black list, but the deny database is not a generic black list. Moreover, Assignee has amended the claims to include applying a

device identifier to the deny database and, if denied, allowing customer services. Black lists are known to block all communication. The present invention, as claimed, includes the possibility that minimal communication with the service provider can be beneficial to the owner if the device is lost. Thus, the Official Notice fails to cure the deficiencies of Chen, Oommen, Kerdraon, and Agarwal. Further, Assignee respectfully requests that a reference(s) be provided which allegedly discloses that which is currently addressed in the Official Notice. For at least this reason, the rejection should be withdrawn. Thus, the rejection of the claims should be withdrawn.

In the outstanding Office Action, claims 21 and 22 were rejected under 35 U.S.C. 103(a) as being unpatentable over Chen et al. (US PG Pub. No. 2005/0153741) in view of Oommen and Kerdraon, Agarwal, and further in view of Wen. It is asserted that Chen as modified by Oommen, Kerdraon, and Agarwal discloses a system with all of the features of the present invention as recited in the claims but for extracting an IMEI from the message. It is further alleged that Wen discloses this deficiency and the combination of these cited references would have therefore been obvious to one having ordinary skill in the art. Assignee respectfully traverses.

Neither Chen, nor Oommen, nor Kerdraon, nor Agarwal, nor Wen, nor any other related art of record, alone or in combination, disclose or fairly suggest the present invention as recited in the pending claim. For example, none of the references teach or suggest, among other things, a network element configured to apply the device identifier to the deny database, and upon the device identifier appearing in the deny database, to deny access to network services except for customer services. These elements are recited in independent claim 19 and are supported, for example, in paragraphs [0054], [0076],

and [0077] of the disclosure. Claims 21 and 22 each depend from claim 19 and necessarily incorporates each element of the independent claim. For the foregoing reasons in favor of patentability of claims 2 and 12, Oommen, Kerdraon, and Agarwal in view of Wen do not disclose these elements. For the foregoing reasons in favor of patentability of claim 19, Chen does not disclose these elements. For at least this reason, the rejection should be withdrawn and the claims allowed to issue.

Claims 3, 8-9, 11, and 17 were rejected under 35 U.S.C. 103 (a) as being unpatentable over Oommen in view of Kerdraon and Wen, and further in view of Chen. It is asserted that Oommen as modified by Kerdraon and Wen teaches substantially the same invention as recited in the pending claims but for setting network access permission according to the device status for a device corresponding to the device identifier. It is further asserted that Chen discloses these features and thus the combination of Oommen, Wen, and Chen would render the pending claims as obvious. Assignee respectfully traverses.

Neither Oommen, nor Wen, nor Kerdraon, nor Chen, nor any other related art of record, alone or in combination, disclose or fairly suggest the present invention as recited in the pending claims. Each of these claims is a dependent claim, dependent upon either claim 1 or 10, for which arguments in favor of patentability are set forth above. Because Oommen, Kerdraon, Wen, and Chen cannot, alone or in combination, teach all of the elements in the independent claims, the dependent claims, which depend therefrom, also are patentably distinct from any prior art of record. These dependent claims add further features that, in combination with the features presented in the independent claims, clearly further distinguish the claims from any teaching or suggestion by Oommen,

Kerdraon, Wen, or Chen. For this reason, Assignee respectfully requests withdrawal of the rejection. Furthermore, there is no motivation to combine any of these references outside of Assignee's own disclosure. Even if they were combinable, *arguendo*, the combination would not be able to obviate the present invention for at least the reasons set forth above. Thus, the rejection of the claims should be withdrawn.

In the outstanding Office Action, claims 5, 6, 14, and 15 were rejected under 35 U.S.C. 103(a) as being unpatentable over Oommen in view of Kerdraon, Agarwal, and Wen, and further in view of Corrigan et al. (US PG Pub. No. 2002/0187775). It is asserted that Oommen as modified by Kerdraon, Agarwal, and Wen teaches substantially the same invention as recited in the pending claims but for receiving the message via a Short Message Peer to Peer Interface. It is further asserted that Corrigan discloses this feature and thus the combination of Oommen, Kerdraon, Agarwal, Wen, and Corrigan would render the pending claims as obvious. Assignee respectfully traverses.

Neither Oommen, nor Kerdraon, nor Agarwal, nor Wen, nor Corrigan, nor any other related art of record, alone or in combination, disclose or fairly suggest the present invention as recited in the pending claims. For example, neither reference discloses wherein access is denied to network services other than customer services upon the device identifier appearing in the deny database. As stated above, this feature is recited in both independent claim 1 and 10. Thus, because each of these claims is dependent upon either claim 1 or 10, this element is therefore necessarily present in each.

Corrigan discloses an access node having a portal which performs interfacing between a wireless network domain and content/service providers in the Internet (Corrigan, abstract). In no way does Corrigan disclose interacting with a deny database

including a list of devices to deny access to network services. As stated above, Oommen modified by Kerdraon, Agarwal, and Wen also does not contain this element. Because Oommen, Kerdraon, Agarwal, Wen, and Corrigan cannot, alone or in combination, teach all of the elements in the independent claims, the dependent claims, which depend therefrom, also are patentably distinct from any prior art of record. These dependent claims add further features that, in combination with the features presented in the independent claims, clearly further distinguish the claims from any teaching or suggestion by Oommen, Kerdraon, Agarwal, Wen, or Corrigan. For this reason, Assignee respectfully requests withdrawal of the rejection. Furthermore, there is no motivation to combine any of these references outside of Assignee's own disclosure. Even if they were combinable, *arguendo*, the combination would not be able to obviate the present invention for at least the reasons set forth above. Thus, the rejection of the claims should be withdrawn.

No extension of time is believed to be necessary to enter this amendment. If any other fees are associated with the entering and consideration of this amendment, please charge such fees to our Deposit Account 50-2882.

Assignee respectfully requests an interview with the Examiner to present more evidence of the unique attributes of the present invention in person. As all of the outstanding rejections have been traversed and all of the claims are believed to be in condition for allowance, Assignee respectfully requests issuance of a Notice of Allowance. If the undersigned attorney can assist in any matters regarding examination of this application, Examiner is encouraged to call at the number listed below.

Respectfully submitted,

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